

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. NO.63 OF 2012

IN

WRIT PETITION (CIVIL) NO.(S) 657 OF 1995

RESEARCH FOUNDATION FOR SCIENCE ...PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. ...RESPONDENT(S)

ORDER

1. This I.A. No.63 has been filed in Writ Petition (Civil) No.657 of 1995 which was decided by this Court by judgment/order dated 6<sup>th</sup> July, 2012 [reported in (2012) 7 SCC 769]. The writ petition in question was considered by this Court from time to time and various interim orders were passed including constitution of Committees details of which are available in paragraphs 10 and 13 of the said judgment dated 6<sup>th</sup> July, 2012. Eventually, the writ petition was disposed of in the following terms:

"45. The writ petition is, therefore, disposed of by reasserting the interim directions given with regard to the handling of hazardous wastes and ship-breaking in the various orders passed in the writ petition from time to time and, in particular,

the orders dated 13th October, 1997 and 14th October, 2003. The Central Government is also directed to ban import of all hazardous/toxic wastes which had been identified and declared to be so under the Basel Convention and its different protocols. The Central Government is also directed to bring the Hazardous Wastes (Management & Handling) Rules, 1989, in line with the Basel Convention and Articles 21, 47 and 48-A of the Constitution. The further declaration sought for that without adequate protection to the workers and public, the aforesaid Rules are violative of the fundamental rights of the citizens and are, therefore, unconstitutional, is, however, rejected in view of what has been discussed hereinabove."

2. I.A. No.63 of 2012, which is the subject matter of consideration today, has been filed on the basis that several issues have not been dealt with in the judgment of this Court dated 6<sup>th</sup> July, 2012 passed in Writ Petition (Civil) No.657 of 1995 and, therefore, directions on the issues set out in paragraph 8 of the I.A. ought to be made by the Court. The directions sought in the I.A. are in respect of the following:

"A. Preparation of a National Inventory of Hazardous Wastes;

B. Complete identification and registration of Hazardous wastes generating units in the country;

- C. Construction of TSDF/Land fills;
- D. Hazardous Waste Dump Sites;
- E. Waste Oil/Used Oil read with the order dated 23.10.2007
- F. Setting up of laboratories at the docks/ports;
- G. Institutional Reforms in MoEF, CPCB, SPCB, PCC;
- H. National Policy Documents on Hazardous Wastes as well as cleaner technology;
- I. Regarding workers handling hazardous wastes;"

3. The matter has remained pending since then and by order dated 18<sup>th</sup> April, 2018 the learned counsel for the applicant was requested to submit a note indicating precisely the live questions/issues that would be required to be considered by this Court in the I.A. Pursuant thereto, Shri Sanjay Parikh, learned counsel for the applicant - petitioner has submitted/circulated a written note dated 6<sup>th</sup> July, 2018.

4. Having perused the said note and after hearing Shri Sanjay Parikh, learned counsel and on due consideration of the fact that directions sought for would require a detailed examination of several

technical issues which can only be done with the help of experts and, thereafter, such directions that may be issued would require close monitoring to ensure due implementation, we are of the view that the matter should be dealt with by the learned National Green Tribunal, the expert body, which has been constituted under the National Green Tribunal Act, 2010. It is our considered view that the learned Tribunal would not only be better equipped to deal with the issues arising but also would be able to do so within a shorter time frame. The issues raised, undoubtedly, are significant and important and it is a matter of regret that the same have remained pending for long before this Court. We, therefore, are of the considered view that the matter should be dealt with by the learned National Green Tribunal.

5. I.A. along with all connected papers, notes, documents be transmitted to the learned National Green Tribunal forthwith to enable the learned Tribunal to take up the matter as requested by this Court.

6. I.A. No.63 of 2012 and all connected matters shall stand accordingly closed.

7. It will be open for the applicant - petitioner to draw the attention of the learned Tribunal to other connected and ancillary issues and request the learned Tribunal to deal with the same.

....., J.  
(RANJAN GOGOI)

....., J.  
(R. BANUMATHI)

NEW DELHI  
JULY 18, 2018

ITEM NO.1

COURT NO.2

SECTION PIL-W/XIV/  
IV/IV-AS U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(S). 657/1995

RESEARCH FOUNDN. FOR SCIENCE

PETITIONER(S)

VERSUS

U O I . &amp; ORS.

RESPONDENT(S)

(ONLY I.AS NOS. 59 AND 63 TO BE LISTED WITH SLP(C)NO.9874/2012 AND  
IA NO.122981/2017-I/A FOR PERMISSION TO FILE COMPILATION OF  
DOCUMENTS/AFFIDAVITS)

WITH

SLP(C) NO. 16175/1997 (XIV)

C.A. NO. 7660/1997 (IV)

SLP(C) NO. 9874/2012 (IV-A)

Date : 18-07-2018 These cases were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MRS. JUSTICE R. BANUMATHI

For parties:

Mr. Sanjay Parikh, AOR  
Mr. Ritwik Parikh, Adv.  
Ms. Anitha Shenoy, Adv.  
Ms. Sanjana Srikumar, Adv.

State of M.P.

Mr. Purushendra Kaurav, Adv. Gen. (MP)  
Mr. Arjun Garg, AOR  
Mr. Sunny Chaudhary, Adv.  
Ms. Anuradha Mishra, Adv.  
Mr. Varun Mohan, Adv.Ms. Karuna Nundy, Adv.  
Mr. Anivesh Bhardwaj, Adv.  
Mr. Krishna Parkhani, Adv.  
Ms. Aparna Bhat, AORMr. Vijay Chandra, Member Secretary  
(Monitoring Committee)

Mr. Kavita Jha, Adv.  
 Mr. Hitesh Kumar Sharma, Adv.  
 Mr. Vinay Upadhyaya, Adv.  
 Mr. Anil Kumar Jha, AOR

Mr. Kunal Verma, AOR

Mr. Mukesh Verma, Adv.  
 Mr. Pawan Kumar Shukla, Adv.  
 Mr. Yash Pal Dhingra, AOR

**CPCB**

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Ms. Urmila Sirur, AOR

Ms. Sushma Suri, AOR

Mr. Sudarsh Menon, AOR

Mr. Sibho Sankar Mishra, AOR

Mr. Shakil Ahmed Syed, AOR

**Raj.S.P.C.B.**

Mr. Mahesh Kasana, Adv.  
 Ms. Aparna Rohatgi Jain, Adv.  
 Mr. S. K. Dhingra, AOR ..

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 Mr. Manoranjan Paikaray, Adv.  
 Mr. Rutwik Panda, AOR

Mr. Rakesh K. Sharma, AOR

Mr. Praveen Swarup, AOR  
 Mr. R.K. Singh, Adv.  
 Mr. Virag Gupta, Adv.

**State of Mizoram**

Mr. Pragyanshu Pradip Sharma, Adv.  
 Mr. Mudit Makhijani, Adv.  
 Mr. Shikhar Garg, Adv.  
 For Mr. P. V. Yogeswaran, AOR

State of Meghalaya. Mr. Ranjan Mukherjee, Adv.  
 Mr. Daniel Stone Lyngdoh, Adv.  
 Mr. K.V. Kharlyngdoh, Adv.

Mr. P. S. Sudheer, AOR

Mr. Nikhil Nayyar, AOR

Mr. Mohanprasad Meharia, AOR

Ms. Minakshi Vij, AOR

Mr. Manish K. Bishnoi, AOR

Mr. M. R. Shamshad, AOR

Mr. Jay Savla, AOR

for M/s J S Wad And Co, AOR

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 Ms. Vishakha, Adv.  
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 Mr. Manish Kumar, Adv.

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Mr. Ashok Mathur, AOR

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Mr. Ajit Kumar Sinha, Sr. Adv.

Mr. Anish Kumar Gupta, Adv.

Ms. Kiran Bhardwaj, Adv.

Mr. Amit Sharma, Adv.

Mr. Chandra Shekhar Suman, Adv.

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Mr. Raj Bahadur, AOR

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Ms. Aanya Shrotriya, Adv.

Mrs. Anil Katiyar, AOR

State of Raj.

Mr. S.S. Shamsbery, AAG

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Mr. Sandeep Singh, Adv.

Mr. Ankit Raj, Adv.

Ms. Indira Bhakar, Adv.

Ms. Ruchi Kohli, Adv.

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Mr. Arijit Prasad, Adv.

Mr. T.A. Khan, Adv.

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Ms. K. Enatoli Sema, Adv.

Mr. Amit Kumar Singh, Adv.

State of Assam

Mr. Shuvodeep Roy, AOR

Mr. Sayooj Mohandas, Adv.

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State of Jharkhand	Mr. Tapesk Kumar Singh, AOR Mr. Mohd. Waquas, Adv. Mr. Aditya Pratap Singh, Adv.
State of Telangana	Mr. S. Udaya K. Sagar, Adv. Mr. Mrityunjai Singh, Adv.
A & N Admn.	Ms. G. Indira, AOR
UPPCB	Mr. Pradip Mishra, AOR Mr. Suraj Singh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

I.A. NO.59

We have heard the learned counsels for the parties including the learned Advocate General for the State of Madhya Pradesh.

We have considered the response filed on behalf of the State of Madhya Pradesh pursuant to the order of this Court dated 18<sup>th</sup> April, 2018 as well as the report

of the Monitoring Committee and the report of CSIR - Indian Institute of Toxicology Research, Lucknow, U.P.

Insofar as the response of the State of Madhya Pradesh to the status of the projects relating to drainage and sewage is concerned, after having noted the facts placed before the Court we direct the State of Madhya Pradesh to continue to execute the said projects and ensure completion of the same as early as possible.

Having perused the report of the Monitoring Committee with regard to the quality and quantity of the treated water supplied to the 42 identified localities (most vulnerable) and also the report of the CSIR - Indian Institute of Toxicology Research, Lucknow, U.P. with regard to the result of the analysis of samples of ground-water collected from several localities of the identified localities (42 in number) we are of the view that the deficiencies pointed out in the report of the Monitoring Committee with regard to supply of potable water to the 42 identified localities should be addressed on an immediate basis by the State Government and report of the action taken be submitted to the Court forthwith.

Insofar as the report of the CSIR - Indian Institute of Toxicology Research, Lucknow, U.P. is concerned, we request the Head, RPBD, CSIR - Indian Institute of Toxicology Research, under whose signature the report was submitted, to be present in Court on the next date fixed and assist the Court in finding the way-forward. Prior to coming to the Court the said Authority i.e. Head, RPBD, CSIR - Indian Institute of Toxicology Research may submit his views in writing with regard to the way-forward in meeting the situation (i.e. quality of the ground-water).

We also permit Ms. Karuna Nundy, learned counsel appearing for the applicant - Bhopal Group for Information and Action to interact with the Indian Institute of Technology, Chennai ("I.I.T., Chennai"), which process is stated to be on, and get their views on the matter. We also request the Director, I.I.T., Chennai to depute a suitable person to explain to the Court the details of the matter including the steps that would be required to be taken (immediate as well as long term) to find a solution to the issue.

We direct the State of Madhya Pradesh to meet the expenses of travel, etc. of the aforesaid two

persons by crediting the requisite amount in their respective bank accounts well in time to enable the said persons to appear before the Court on the date fixed.

We request the Monitoring Committee to arrange for and ensure that a report of analysis of the treated water supplied to the 42 localities by a State approved laboratory is laid before the Court at least a week before the date fixed i.e. 30<sup>th</sup> August, 2018.

List the matter on 30<sup>th</sup> August, 2018.

A copy of this order be furnished to all concerned forthwith.

I.A. NO.63

I.A. No.63 is disposed of in terms of the signed order.

I.A. along with all connected papers, notes, documents be transmitted to the learned National Green Tribunal forthwith to enable the learned Tribunal to take up the matter as requested by this Court.

I.A. No.63 of 2012 and all connected matters shall stand accordingly closed.

It will be open for the applicant - petitioner to draw the attention of the learned Tribunal to other

connected and ancillary issues and request the learned Tribunal to deal with the same.

**[VINOD LAKHINA]**  
AR-cum-PS

**[ASHA SONI]**  
BRANCH OFFICER